

11/30/01  
J1130 U.S. PTO

PATENT  
ATTORNEY DOCKET NO.: 044170-5034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

J1564 U.S. PTO  
09/997023  
11/30/01

**TRANSMITTAL FOR A NEWLY EXECUTED  
ORIGINAL APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b) for:

Inventors: R. Sam Niedbala, John W. Scott, Peter A. Bourdelle, and Hans. H. Feindt

For: **SAMPLE COLLECTOR AND TEST DEVICE**

1. This is a new ☒ **Utility** ☐ **Design** ☐ **Plant** patent application.
2. The papers enclosed to obtain a filing date are as follows:  

<u>36</u>	Pages of Specification including
<u>1</u>	Title Page
<u>14</u>	Page of Claims
<u>1</u>	Page of Abstract
<u>8</u>	Sheets of drawings containing <u>14</u> Figures

☐ The enclosed drawing(s) are photograph(s), and there is also attached a  
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)
3. Combined Declaration and Power of Attorney  
☒ Enclosed and is executed by all inventors.  
☐ Not Enclosed.  
This application is being filed under the provisions of 37 C.F.R. § 1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of the time  
set for filing the Declaration and paying the filing fees.
4. Language  
☒ English  
☐ Non-English  
This application is being filed in accordance with 37 C.F.R. § 1.52(d) and  
§ 608.01 of the MPEP. Applicant(s) await notification from the Patent and  
Trademark Office of the time set for filing the verified English translation and the  
processing fee.

## 5. Assignment

☒ An assignment of the invention to OraSure Technologies, Inc. and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

☐ An assignment will be filed at a later date.

## 6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign applications is claimed:

Country	Application No.	Filed

Certified copy(ies): ☐ is/are attached. ☐ will follow.

## 7. Priority based on an International Application

☐ Priority of the following international application under 35 U.S.C. § 365(c) is claimed:

Application No.	Filed

## A. Relate Back - 35 U.S.C. § 119(e)

☒ Amend the specification by inserting before the first line the sentence:  
 "This application claims priority of copending provisional application(s)  
 No. 60/325,170 filed on September 28, 2001."

## 8. Small entity status

☐ A statement claiming small entity status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.

## 9. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$740.00 Design \$330.00
Total Claims (37 C.F.R. § 1.16(c))	72 - 20 =	52	\$ 18.00 each=	<b>\$ 936.00</b>
Independent Claims (37 C.F.R. § 1.16(b))	7 - 3 =	4	\$ 83.00 each=	<b>\$ 336.00</b>
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$280.00	+
<b>SUB-TOTAL =</b>				<b>\$1,272.00</b>
Reduction by 1/2 for filing by a small entity				- \$
<b>TOTAL FILING FEE =</b>				<b>\$1,272.00</b>

## 10. Fee Payment

- ☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

- ☒ Enclosed.

A check in the amount of \$1,312.00 representing the basic filing fee of \$1,272.00 and an assignment recordation fee of \$40.00 is enclosed.

11. ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

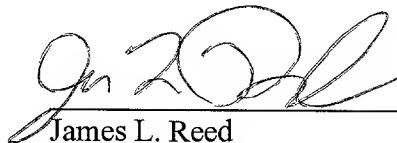
12. Additional papers enclosed:

- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449
- ☐ International Search Report
- ☐ Submission of Priority Document with certified copy

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



James L. Reed  
Reg. No. 43,877

Dated: November 30, 2001

**Customer No. 009629**

**MORGAN, LEWIS & BOCKIUS LLP**

1800 M Street, N.W.

Washington, D.C. 20036

(202) 467-7000